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PATENT  
Docket No. 282172002800

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Sandy Yi

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,618

Filing Date: February 6, 2004

For: MODIFIED FREE-LIVING MICROBES,  
VACCINE COMPOSITIONS AND  
METHODS OF USE THEREOF

Examiner: Not Yet Assigned

Group Art Unit: 1645

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 282172002800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 21, 2004

Respectfully submitted,

By:

  
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PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/773,618
	Filing Date	February 6, 2004
	First Named Inventor	Thomas W. DUBENSKY, Jr.
	Art Unit	1645
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	28 + 159 Refs.	Attorney Docket Number 282172002800

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO-1449 + copy (24 pages) 2. 159 References 3. Return Postcard
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Alicia J. Hager - 44,140
Signature	
Date	July 21, 2004

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Dated: July 21, 2004

Signature: (Sandy Yi)



Form PTO/SB/08 (2-92)

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 282172002800

Application Number 10/773,618

Applicant

Thomas W. DUBENSKY, Jr. et al.

Filing Date February 6, 2004

Group Art Unit 1645

Mailing Date July 21, 2004

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/28/2002	2002/0025323	Paterson et al.			
	2.	03/07/2002	2002/0028206	Paterson			
	3.	04/18/2002	2002/0045587	Goebel			
	4.	10/17/2002	2002/0150588	Allison et al.			
	5.	05/01/2003	2003/0082510	Wollowitz et al.			
	6.	06/19/2003	2003/0113704	Stassinopoulos et al.			
	7.	10/30/2003	2003/0202985	Paterson			
	8.	10/30/2003	2003/0203472	Portnoy et al.			
	9.	01/22/2004	2004/0013690	Portnoy et al.			
	10.	02/12/2004	2004/0029897	Cook et al.			
	11.	12/15/1992	5,171,568	Burke et al.			
	12.	01/19/1993	5,180,819	Cayre			
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	25.	11/07/2000	6,143,551	Goebel			
	26.	11/21/2000	6,150,170	Powell et al.			

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DATE CONSIDERED:

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<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number 282172002800	Application Number 10/773,618
	Applicant Thomas W. DUBENSKY, Jr. et al.	
	Filing Date February 6, 2004	Group Art Unit 1645
	Mailing Date July 21, 2004	

	27.	11/28/2000	6,153,430	Pastan et al.			
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	32.	05/20/2003	6,565,852	Paterson			
	33.	08/12/2003	6,605,286	Steidler et al.			

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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	34.	06/01/1989	WO 89/04669	WIPO				
	35.	10/04/1990	WO 90/11089	WIPO				
	36.	11/29/1990	WO 90/14436	WIPO				
	37.	08/05/1993	WO 93/15212	WIPO			Abstract	
	38.	05/17/1996	WO 96/14087	WIPO				
	39.	01/22/1998	WO 98/02523	WIPO				
	40.	07/16/1998	WO 98/30545	WIPO				
	41.	07/23/1998	WO 98/31786	WIPO				
	42.	05/27/1999	WO 99/25376	WIPO				
	43.	06/03/1999	WO 99/26476	WIPO				
	44.	07/08/1999	WO 99/34007	WIPO				
	45.	09/23/1999	WO 99/47646	WIPO				
	46.	02/08/2001	WO 01/08701	WIPO				
	47.	04/12/2001	WO 01/24637	WIPO				
	48.	04/19/2001	WO 01/27295	WIPO			Abstract	
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	50.	06/27/2002	WO 02/50262	WIPO				
	51.	08/15/2002	WO 02/062298	WIPO				

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	55.	11/13/2003	WO 03/092600	WIPO				
	56.	12/11/2003	WO 03/102168	WIPO				
	57.	01/22/2004	WO 2004/006837	WIPO				

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Examiner Initials	Ref. No.	Title
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PTO/SB/ 08 (2-92) pa- 871914		Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE	



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97.	Dubensky, T. (March 14, 2003). "Cancer Vaccines Derived From Selected Attenuated Strains of <i>Listeria Monocytogenes</i> ," presented at <i>Days of Molecular Medicine - Immunotherapy</i> , 24 pages.
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